

June 14, 2005

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**ORDER ACKNOWLEDGING WITHDRAWAL OF NOTICE AND ORDER, DISMISSING  
APPEAL AS MOOT AND RECUSING EXAMINER**

SUBJECT: Department of Development and Environmental Services File No. **E0301108**

**ABEBE TEFAY & ASEGID FESEHA**  
Code Enforcement Appeal

Location: 29203 – 140th Avenue Southeast

Appellant: Abebe Tesfay & Asegid Feseha  
*represented by* **James Schermer and Samuel Jacobs**, Attorneys  
Mosler, Schermer, Wallstrom, Jacobs & Sieler  
600 University Street, Suite 2701  
Seattle, Washington 98101  
Telephone: (206) 624-7600  
Facsimile: (206) 624-8241

King County: Department of Development and Environmental Services  
*represented by* **Jim Toole and Sheryl Lux**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-7196 and 205-1525  
Facsimile: (206) 296-6604

1. Shortly after commencement of the continued hearing in this matter on June 14, 2005, DDES orally withdrew its Notice and Order in the matter (stating its intent to initiate new proceedings at some later date), which withdrawal renders the subject appeal moot. The appeal is accordingly dismissed without prejudice.
2. The Appellants have expressed concern about the Examiner's April 22, 2005 e-mail correspondence with DDES, which restated the Examiner's request during the initial March 28, 2005 hearing that DDES conclude or confirm the status of its code interpretation process related to this matter. As the correspondence is perceived by Appellants as possibly prompting or guiding the DDES response, the undersigned Examiner, though not possessing actual bias regarding the parties or their positions in the case, accordingly recuses himself on appearance of fairness grounds from further involvement in this matter. The case is referred to Hearing Examiner Stafford Smith should any further Hearing Examiner proceedings arise.

ORDERED this 14th day of June, 2005.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED via certified mail this 14th day of June, 2005, to the following parties:

Samuel Jacobs  
Mosler Schermer et al  
600 University St., #2701  
Seattle, WA 98101-1176

James Schermer  
Mosler Schermer et al  
600 University St., #2701  
Seattle, WA 98101-1176

Abebe Tesfay & Asegid Feseha  
16008 Evanston Ave. N.  
Shoreline WA 98133

TRANSMITTED this 14th day of June, 2005, to the following parties and interested persons:

Scott Fox  
25429 Van Brocklin Rd.  
Monroe WA 98272

Samuel Jacobs  
Mosler Schermer et al  
600 University St., #2701  
Seattle WA 98101-1176

Claudia Kuenkel  
29341 - 140th Ave. SE  
Auburn WA 98092

Linda Rogers  
29427 - 140th Ave. SE  
Auburn WA 98092

Gary Schenk  
29120 - 140th Ave. SE  
Auburn WA 98092

James Schermer  
Mosler, Schermer et. al.  
600 University St., #2701  
Seattle WA 98101-1176

Bonnie Stenson  
28910 - 140th Ave. SE  
Auburn WA 98092

Abebe Tesfay & Asegid Feseha  
16008 Evanston Ave. N  
Shoreline WA 98133

Suzanne Chan  
DDES, Code Enf.  
MS OAK-DE-0100

Elizabeth Deraitus  
DDES/LUSD  
Code Enf. Supvr.  
MS OAK-DE-0100

Patricia Malone  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

Jim Toole  
DDES, Code Enf.  
MS OAK-DE-0100

PTD:  
E0301108 ORD